

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/16/2022
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-against-	:	21-CR-603 (VEC)
	:	
	:	<u>ORDER</u>
ALAN ANDERSON,	:	
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on December 16, 2022, the Government appealed the decision issued by Magistrate Judge Youchah in the District of Nevada releasing the Defendant on the conditions previously set for his pretrial release; and

WHEREAS the Government appealed that determination and, on December 16, 2022, the parties appeared before the Undersigned for a detention hearing.

IT IS HEREBY ORDERED that the Mr. Anderson's application to be released is DENIED. As a defendant who is pending sentence, there is a presumption that he will be detained. 18 U.S.C. § 3143(a). The Defendant's presentation fails to overcome that presumption. In light of Mr. Anderson conduct over the last several weeks, including his failure to appear at the December 2, 2022, status conference, his failure to check in with his assigned Pretrial Services Officer on November 25, 2022, and November 30, 2022, as required, his notification to his Pretrial Services Officer that any requirement that he report in is "null and void," and his correspondence with the Court in which he has expressed his view that the Court has no jurisdiction over him, the Court finds that there is no "condition or combination of conditions" that will reasonably assure that the Defendant will appear for sentencing when required. 18 U.S.C. § 3148(b).

IT IS FURTHER ORDERED that the United States Marshal Service is respectfully requested to transfer the Defendant from the District of Nevada to the Southern District of New York as quickly as is reasonably possible. Within one business day of the Defendant's arrival in the Southern District of New York, the Government must inform the Court.

IT IS FURTHER ORDERED, that in light of the fact that the Defendant appears to be seeking to change counsel, *see* Letter Rescinding Retainer Agreement, Dkt. 661 at 3, the sentencing hearing scheduled for January 17, 2023, is hereby adjourned to **February 10, 2023, at 10:30 A.M.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. The parties' sentencing submissions are due by **January 27, 2023**. The Court will consider any application to expedite Mr. Anderson's sentencing upon Mr. Anderson's arrival into the Southern District of New York.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to terminate the open motion at docket entry 733.

**SO ORDERED.**

**Date: December 16, 2022**  
**New York, NY**



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**VALERIE CAPRONI**  
**United States District Judge**